

EXHIBIT 35

Cobo, Luis E.

January 18, 2008

1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL) MDL NO. 1456
INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
PRICE LITIGATION) 01-CV-12257-PBS
THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-a-Care of) Judge Patti B. Saris
the Florida Keys, Inc.)
v.) Chief Magistrate
Abbott Laboratories, Inc.,) Judge Marianne B.
No. 06-CV-11337-PBS) Bowler
- - - - -

(captions continue on following pages)

Videotaped deposition of LUIS E. COBO

Volume I

Washington, D.C.

Friday, January 18, 2008

8:00 a.m.

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Cobo, Luis E.

January 18, 2008

31

1 pharmacy, then that would happen electronically.

2 And then there would be a feedback to the pharmacist
3 submitting the claim and the results of the claim
4 and how it was handled were shown.

5 Q. We've mentioned it a couple of times in
6 passing, but you have worked in the past both for
7 Ven-A-Care, which as I understand it was an infusion
8 pharmacy, correct?

9 A. Correct.

10 Q. And you have worked in the past for the
11 Cobo Pharmacy, which as I understand it was a retail
12 pharmacy?

13 A. Correct. A community pharmacy, yes.

14 Q. Could you tell me what are the years for
15 which you were working as a pharmacist for the Cobo
16 Pharmacy?

17 A. As a pharmacist -- I grew up in the
18 pharmacy. But as a pharmacist when I came out of
19 the University of Florida in 1976 I immediately
20 started working at Cobo Pharmacy with my father. I
21 eventually purchased the pharmacy and continued its
22 operation until -- I think the closing time was June

Cobo, Luis E.

January 18, 2008

32

1 1 of 2000.

2 Q. Why did you close the pharmacy?

3 A. We had just come off of a long and hard
4 battle through Ven-A-Care. It was a very exhaustive
5 thing and a very demanding things and we were able
6 to get a reward on that based on the conclusion of
7 the claim that was finally settled by the
8 government. And it gave me the opportunity to get
9 out of the community type of practice and start
10 dedicating my time completely in Ven-A-Care.

11 Q. Do I hear you telling me that you made a
12 lot of money and didn't need to make money in a
13 community pharmacy anymore?

14 MR. BREEN: Objection, form.

15 A. Say that again.

16 Q. As I hear what you're telling me, it
17 sounds like you made a lot of money through
18 litigation with Ven-A-Care and no longer needed to
19 run a pharmacy in order to make a living?

20 MR. BREEN: Objection, form.

21 A. Well, I could have run the pharmacy and
22 continued to make a living. I was not not making a

Cobo, Luis E.

January 18, 2008

103

1 correct?

2 MR. BREEN: Objection, form.

3 A. Well, I think that was also an item of --
4 in one of the depositions that I attended it was
5 also an issue that I think was brought up. But yes,
6 by and large I think with the documents, insight
7 from a deposition and discussions, I think that
8 would pretty much be it.

9 Q. Mr. Cobo, who currently speaks on behalf
10 of Ven-A-Care?

11 MR. BREEN: Objection, form.

12 Q. I can give you an example.

13 A. Yeah.

14 Q. Abbott, for example. The CEO runs the
15 company and he has various other officers who have
16 responsibilities and it devolves down in a fairly
17 rigid hierarchy as in any other major corporation.
18 Does Ven-A-Care have anything similar where people
19 have responsibilities that go from the top down and
20 are divvied up?

21 MR. BREEN: Objection, form.

22 A. I assume you realize that you have the

Cobo, Luis E.

January 18, 2008

104

1 entire Ven-A-Care corporation sitting at this
2 deposition between the three of us here today?

3 Q. Yes, I do.

4 A. We all work together. And the structure
5 of our business besides being business partners
6 we're very longtime friends. And, you know, we've
7 all been president at some time or vice president
8 and officers of the corporation. But I think that
9 we oftentimes sit together and we share and
10 depending on what the issue or the topic or what the
11 demand is will determine on who's going to speak.

12 Q. So if I were looking to determine what
13 Ven-A-Care's position is on a particular matter
14 there's not one person to whom I could go to get
15 that answer; is that correct?

16 MR. BREEN: Objection, form.

17 A. There could be one person that you could
18 go to that would have more insight and more
19 involvement, you know, in that regard that has more
20 of an affinity for that. And depending on what area
21 of interest you have that might determine who that
22 person would be.

Cobo, Luis E.

January 18, 2008

105

1 Q. Mine was a question more of authority
2 than knowledge. Is there a single person at
3 Ven-A-Care who is in charge of the show?

4 MR. BREEN: Objection to form.

5 A. Well, again, we have a president. If
6 that fills the legal requirement for that person,
7 that figurehead of authority, certainly you know
8 that sometimes going to the president or the CEO
9 doesn't give you the type of information you may be
10 wanting. So sometimes you have to go to other than
11 the president. And again, we don't have that type
12 of stringent structure, but depending on what time
13 frame over the past 15, whatever the number of years
14 it's been since our inception -- 20 years -- it
15 would probably determine who you would want to speak
16 to to get the best representative answer.

17 And I'm not trying to avoid your answer
18 here, but --

19 Q. Who has been president of Ven-A-Care over
20 the years?

21 A. Initially I was. I can't tell you the
22 time that it changed, but I would want to say it was

Cobo, Luis E.

January 18, 2008

106

1 probably in the mid-'90s. Zack Bentley became
2 president. Let's see. And then in -- upon Zack
3 taking his leave of absence then Mark Jones became
4 president. And so it's been us three.

5 Q. So Mr. Jones currently is president of
6 Ven-A-Care, correct?

7 A. Yes, sir.

8 Q. Is it your understanding -- let me step
9 back two steps. When you gave me your understanding
10 of the litigation and the issues it involved and
11 your knowledge of Abbott's conduct, were you
12 testifying with respect to both the DOJ and the
13 Texas case or do you have a different understanding
14 as to the Texas case?

15 MR. BREEN: Objection, form.

16 A. I think I answered in a rather broad
17 fashion to cover both aspects of obviously Medicaid
18 and Medicare concerns. And I did that
19 intentionally. So I would think that that from my
20 perspective is the answer that I would want to
21 commit to. I think that covers the federal and
22 Texas case.